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1998

Ballot Measures. Application.

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Ballot Measures. Application. Legislative Constitutional Amendment.

Official Title and Summary Prepared by the Attorney General

BALLOT MEASURES. APPLICATION. LEGISLATIVE CONSTITUTIONAL AMENDMENT.

- Prohibits any statewide initiative, legislative measure, or local ballot measure from excluding or including any county, city or other local jurisdiction from its application based upon voter approval or the casting of a specified percentage of votes for or against the measure within that political subdivision.
- Provides that no statewide initiative, legislative measure, or local ballot measure can contain language which enables alternative or cumulative provisions of the measure to become law based upon a specified percentage of votes being cast for or against the measure.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- The number of measures this proposition would affect in the future, and the resulting fiscal impact, cannot be estimated.

Final Votes Cast by the Legislature on SCA 18 (Proposition 219)

Assembly: Ayes 57
Noes 15

Senate: Ayes 28
Noes 1

Analysis by the Legislative Analyst

Background

In addition to voting for candidates for office, Californians vote on a variety of state and local measures—initiatives, referenda, constitutional amendments, bonds, and revisions to local charters. These measures are put before the voters by the state Legislature, local governing bodies (such as city councils and county boards of supervisors), and by individual citizens or groups seeking to change the law.

In most cases, these ballot measures apply to *all* areas within the state or a local community in the same way. For example, if a statewide measure passes, it applies to all counties in the same way, regardless of whether a majority of voters in any individual county approved the measure. One recent measure, however, was different (Proposition 172 on the November 1993 ballot). The measure, which enacted a statewide sales tax increase, provided that the revenues from the tax increase would go only to those counties that voted in favor of the measure. (Absent this vote the county could still receive the funds if the board of supervisors voted to request an allocation.) As a result, some people who otherwise would have voted “no” may have voted “yes” to ensure that their county received some of the money.

In addition, most ballot measures identify a specific policy that would be adopted if the measure passes. A recent local measure, however, contained an unusual provision. It stated that:

- If the measure were approved by a *majority* of voters, a tax for *general* purposes would be enacted.

- If, however, *two-thirds* of the voters approved the measure, a tax for *special* purposes would be enacted. Thus, a “yes” vote could mean two different things.

Proposal

This proposition, a constitutional amendment, prohibits the type of measures discussed above by:

- Requiring state and local ballot measures to apply in the same way in all parts of the jurisdiction (that is, the state or a local government) affected by the measures, regardless of how any individual part of that jurisdiction voted. Thus, a ballot measure could not apply only in those areas that voted in favor of the measure.
- Prohibiting ballot measures from containing alternative or additional provisions that would be enacted depending on the percentage of votes cast in favor of the measure. Thus, a ballot measure could not have one outcome if approved by a majority of voters and a different outcome if approved by a two-thirds vote.

Fiscal Effect

There have been only a small number of state and local measures which have used the provisions prohibited by this constitutional amendment. We cannot estimate how many measures to which it would apply in the future or the resulting fiscal effect.

For the text of Proposition 219 see page 65

Ballot Measures. Application. Legislative Constitutional Amendment.



Argument in Favor of Proposition 219

PROPOSITION 219 STOPS "BALLOT BOX BLACKMAIL" BY POLITICIANS! In November 1993 the politicians in the State Legislature placed a measure on the statewide election ballot which raised the sales tax to pay for additional public safety resources. **BUT THAT BALLOT MEASURE CONTAINED A PROVISION TO EXTORT VOTERS INTO SUPPORTING IT!** The blackmail provision specified that residents of all 58 counties would have to pay the higher tax—but that only those counties which **VOTED IN HIKE** would be able to receive the new police and fire protection revenues back!

That's right . . . unless your county voted the way the professional politicians wanted, you would pay the higher tax while getting no benefits back!

A leading nonpartisan watchdog organization publicly called this cynical tactic "inherently undemocratic!"

Proposition 219 will **STOP POLITICAL BLACKMAIL** of this type and make sure it can never happen again!

Proposition 219 will **PROHIBIT POLITICAL DISCRIMINATION** against the residents of a city,

county or other local jurisdiction just because they voted for or against a particular ballot measure.

Proposition 219 will **GUARANTEE BENEFITS** of all ballot measures will be provided fairly to the people of every community in California.

Proposition 219 will **PRESERVE INTEGRITY** in our elections.

Proposition 219 will **PROTECT CONSTITUTIONAL RIGHTS** of California voters to cast their ballots without fear of political revenge, intimidation or blackmail.

Help keep elections fair and free for all Californians. Join California's Secretary of State and a broad coalition of government reform organizations, taxpayer groups and citizen advocates in achieving **REAL** campaign reform.

VOTE "YES" ON PROPOSITION 219.

SENATOR JOHN R. LEWIS
33rd District, California Senate

MATTHEW E. WEBB
Member, Western Valleys Group of Riverside County

Argument against was not submitted

Text of the Proposed Laws

Proposition 219: Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 18 (Statutes of 1996, Resolution Chapter 34) expressly amends the Constitution by adding sections thereto and amending sections thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLES II, IV, AND XI

First—That Section 8 of Article II is amended by adding subdivisions (e) and (f), to read:

(e) *An initiative measure may not include or exclude any political subdivision of the State from the application or effect of its provisions based upon approval or disapproval of the initiative measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of that political subdivision.*

(f) *An initiative measure may not contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure.*

Second—That Section 11 of Article II is amended to read:

SEC. 11. (a) Initiative and referendum powers may be exercised by the electors of each city or county under procedures that the Legislature shall provide. ~~This~~ *Except as provided in subdivisions (b) and (c), this section does not affect a city having a charter.*

(b) *A city or county initiative measure may not include or exclude any part of the city or county from the application or effect of its provisions based upon approval or disapproval of the initiative measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of the city or county or any part thereof.*

(c) *A city or county initiative measure may not contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure.*

Third—That Section 8.5 is added to Article IV, to read:

SEC. 8.5. *An act amending an initiative statute, an act providing for the issuance of bonds, or a constitutional amendment proposed by the Legislature and submitted to the voters for approval may not do either of the following:*

(a) *Include or exclude any political subdivision of the State from the application or effect of its provisions based upon approval or disapproval of the measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of that political subdivision.*

(b) *Contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure.*

Fourth—That Section 7.5 is added to Article XI, to read:

SEC. 7.5. (a) *A city or county measure proposed by the legislative body of a city, charter city, county, or charter county and submitted to the voters for approval may not do either of the following:*

(1) *Include or exclude any part of the city, charter city, county, or charter county from the application or effect of its provisions based upon approval or disapproval of the city or county measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of the city, charter city, county, charter county, or any part thereof.*

(2) *Contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure.*

(b) *"City or county measure," as used in this section, means an advisory question, proposed charter or charter amendment, ordinance, proposition for the issuance of bonds, or other question or proposition submitted to the voters of a city, or to the voters of a county at an election held throughout an entire single county.*

Proposition 220: Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 4 (Statutes of 1996, Resolution Chapter 36) expressly amends the Constitution by adding a section thereto and amending sections thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLES I AND VI

First—That Section 16 of Article I thereof is amended to read:

SEC. 16. Trial by jury is an inviolate right and shall be secured to all, but in a civil cause three-fourths of the jury may render a verdict. A jury may be waived in a criminal cause by the consent of both parties expressed in open court by the defendant and the defendant's counsel. In a civil cause a jury may be waived by the consent of the parties expressed as prescribed by statute.

In civil causes the jury shall consist of 12 persons or a lesser number agreed on by the parties in open court. In civil causes ~~in municipal or justice court other than causes within the appellate jurisdiction of the court of appeal~~ *the Legislature may provide that the jury shall consist of eight persons or a lesser number agreed on by the parties in open court.*

In criminal actions in which a felony is charged, the jury shall consist of 12 persons. In criminal actions in which a misdemeanor is charged, the jury shall consist of 12 persons or a lesser number agreed on by the parties in open court.

Second—That Section 1 of Article VI thereof is amended to read:

SEC. 1. The judicial power of this State is vested in the Supreme Court, courts of appeal, superior courts, and municipal courts: ~~All courts, all of which~~ *are courts of record.*

Third—That Section 4 of Article VI thereof is amended to read:

SEC. 4. In each county there is a superior court of one or more judges. The Legislature shall prescribe the number of judges and provide for the officers and employees of each superior court. If the governing body of each affected county concurs, the Legislature may provide that one or more judges serve more than one superior court.

~~The county clerk is ex officio clerk of the superior court in the county.~~

In each superior court there is an appellate division. The Chief Justice shall assign judges to the appellate division for specified terms pursuant to rules, not inconsistent with statute, adopted by the Judicial Council to promote the independence of the appellate division.

Fourth—That Section 5 of Article VI thereof is amended to read:

SEC. 5. (a) Each county shall be divided into municipal court districts as provided by statute, but a city may not be divided into more than one district. Each municipal court shall have one or more judges. Each municipal court district shall have no fewer than 40,000 residents; provided that each county shall have at least one municipal court district. The number of residents shall be determined as provided by statute.

(b) On the operative date of this subdivision, all existing justice courts shall become municipal courts, and the number, qualifications, and compensation of judges, officers, attachés, and employees shall continue until changed by the Legislature. Each judge of a part-time municipal court is deemed to have agreed to serve full time and shall be available for assignment